

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

In Re Application of Frank G. Gates Attorney Docket No.: 42P16521

Application Number 10/676,311

Filed September 30, 2003

For GENERATING EXECUTABLE CODE BASED ON CODE PERFORMANCE DATA

Group Art Unit: 2191 Examiner: Satish Rampuria

Address to:

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 540.00.

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 02-2666.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor. /Cory G. Claassen/  
Signature

☐ assignee of record of the entire interest  
See 37 CFR 3.71, Statement under 37 CFR 3.73(b)  
is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record. Cory G. Claassen  
Typed or printed name

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 50,296 Aug. 11, 2009  
(Reg. No.) Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest of their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted

I hereby certify that this correspondence is being submitted electronically via EFS-Web on the date shown below.

Date August 11, 2009 Rob Brownstein  
Date Typed or printed name  
/Rob Brownstein/  
Signature

11/19/2007sea